

REMARKS

The Examiner has taken the position that the subject application contains three patentably distinct species and has identified the following Groups:

I) Claims 1 - 5 are drawn to a method of applying and monitoring an epidermal surfactant that has been applied to the skin of a person.

II) Claim 6 is drawn to a method in a preferred embodiment of the invention.

iii) Claims 7 - 25 are drawn to an article for applying and monitoring a surfactant.

The Examiner takes the position that Groups I - III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the lack the same or corresponding special technical features for the following reasons: In invention I, the steps of placing an image along the surface of a substrate and depositing a surfactant along the surface of the substrate, wherein the image operates to indicate the quantity of the surfactant are not required by the inventions II and III. In invention II, the steps of placing an article for applying and monitoring a surfactant on various parts of the users skin and applying a rubbing force such that the surfactant is distributed along the skin of the user are not required by the inventions I and III. In invention III, the article claimed can be used to practice other methods that are different from the methods of inventions I and II. Since inventions I - III do not require the same or corresponding special technical features as stated above and are not related to a single general inventive concept, a through search and examination of all the inventions presented in the application would impose a serious burden to the Examiner.

In response to the requirement set forth in 35 U.S.C. 121, the Applicant provisionally

elects the apparatus of Examiner's Group III (Claims 7 – 25), without prejudice. The Applicant however, respectfully requests the Examiner to reconsider and withdraw this restriction requirement. The Applicant does not agree with the Examiner's position regarding the application having patentably distinct species of the claimed invention. The Applicant respectfully submits that the Examiner provides no basis for why any additional searches would be different or burdensome. As provided in MPEP 803:

“If the search and examination of the entire application can be made without serious burden, the Examiner is encouraged to examine it on the merits, even though it includes claims to distinct or independent inventions.”

The Applicant believes that in conducting a search for an article for applying and monitoring a surfactant comprising a surfactant; an image positioned along the surface of the substrate; and a surfactant deposited on defined areas of the substrate (Claim 7) and the article of claim 7 further comprising means for securing to the skin of the user (dependent claim 19) and the article of claim 7 wherein said image operates by disappearing as the surfactant dissipates (dependent claim 20), a search directed to a method of applying and monitoring an epidermal surfactant that has been applied to the skin of a person comprising the steps of: placing an image along the surface of a substrate; and depositing a surfactant on a defined area along the surface of the substrate; wherein the image operates to indicate the quantity or the continuing effectiveness of the surfactant could be performed without undue burden.

Conclusion:

In view of the foregoing remarks, it is respectfully submitted that the Examiner's Inventions I and III and their corresponding claims be examined together.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark F. Smith". The signature is fluid and cursive, with the first name "Mark" and last name "Smith" clearly distinguishable.

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